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July 14, 2009

BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20054

Re: WTVF-DT, Nashville, Tennessee (Fac. ID No. 36504)
Request for Experimental Authority to Operate a Replacement
Digital Translator on Channel 50 at 100 kW ERP

Dear Ms. Dortch:

NewsChannel 5 Network, LLC ("NewsChannel 5"), licensee of full-power commercial television station WTVF-DT, Nashville, Tennessee (Facility ID No. 36504) ("WTVF"), by its attorneys and pursuant to Sections 74.102 and 74.131(c) of the Commission's rules,[1] hereby requests experimental authority to operate a replacement digital translator on Channel 50 with an effective radiated power ("ERP") of 100 kW.[2] The experimental authority requested herein will enable WTVF to provide improved service to viewers residing within a 15-mile radius of its transmitter site who have lost service since WTVF transitioned to its post-transition Channel 5 facilities on June 12, 2009.

Following WTVF's transition to VHF Channel 5 facilities, the station received thousands of calls from viewers reporting the complete loss of digital service from WTVF.[3]

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[1] 47 C.F.R. § 74.102 & 74.131(c).

[2] Simultaneous with the filing of this request, NewsChannel 5 is filing (i) an modification of its construction permit (File No. BDRTCDT-20090702ACO) for the Channel 50 replacement digital translator to specify an ERP of 100 kW; and (ii) a request for special temporary authority to operate the replacement digital translator at 100 kW.

[3] WTVF has taken aggressive measures, both pre- and post-transition, to staff phone banks and to help viewers successfully receive its signal. In the week prior to June 12, the station logged more than 1000 calls and e-mails requesting information about converter boxes, antennas, the station's interim channel allocation, and rescanning after the transition date. After the transition, telephone calls and e-mails received by the station increased significantly, escalating in the first few days to an estimated 3000 inquiries. When the station became aware of the gravity of the reception problems, it began logging calls in a database to examine trends and to gauge the success rate in resolving the problems callers identified. As of June 30, the database contains 550 entries, increasing at a (continued...)

Many of these callers reported that they formerly received WTVF's digital signal on its pre-transition UHF Channel 56 but were unable to receive the station's digital signal on VHF Channel 5. Callers also reported that they were able to receive every other local broadcast station in the Nashville market via an indoor antenna, but were unable to receive WTVF over the air. Although WTVF was able to resolve a portion of the reception problems by instructing callers to adjust antennas and equipment, a significant number of complaints remained unresolved.[4]

WTVF has determined based on the location and distribution of callers reporting reception problems that the majority of viewers experiencing problems reside within a 15 mile radius of the station's transmitter site.[5] Prompted by the many inquiries it received, WTVF deployed crews to perform field tests within a 15-mile radius of its transmission site. The tests determined that the reception problems appear to be unique to WTVF's low-band VHF channel allotment, including excess signal which could not be received by some converter boxes and television receivers and which could be rectified only with the installation of a signal attenuator. In some instances, signal reflection or impulse noise also blocked reception of the station's signal. Although WTVF's field crews were able to restore service in most instances, resolution of the problem often required several hours of experimentation and readings just to restore reception in a single household. WTVF estimates, based on 2000 census data, that approximately 573,000 individuals reside within 15 miles of its transmitter site and therefore an extremely large number of households within the 15-mile radius area are unlikely to receive adequate indoor reception of the its Channel 5 signal.

WTVF submits that the current limitations on its operations, and the concomitant loss of service to thousands of viewers, are untenable from both a public service and a marketplace perspective. Therefore, WTVF proposes to restore service to disenfranchised viewers through the operation of a replacement digital translator on Channel 50 to be located at WTVF's current tower and transmitter site. To ensure adequate restoration of service within a core viewing area in the 15-mile radius around WTVF's transmission site, WTVF proposes to operate the replacement digital translator at 100 kW.

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rate of approximately 50 new entries per day. The station's success rate in resolving a caller's reception problems currently stands at approximately 50%.

[4] In late June, WTVF engaged the research firm of Smith Geiger to assist it in determining the scope of WTVF's signal reception problems following the station's transition. Smith Geiger surveyed over-the-air viewers from across the station's coverage area. While 95% of viewers surveyed reported that they received WTVF's over-the-air signal on Channel 56 prior to the digital transition, only 46% of over-the-air viewers reported receiving WTVF's signal on Channel 5 after the transition. In addition, the survey found that the majority of the disenfranchised viewers are elderly and low income households.

[5] While the most concentrated area of concern is within the 15 mile radius of the WTVF's tower, the station is aware that there are additional signal reception issues in the outer portion of WTVF's service area. WTVF is examining possible engineering solutions to resolve reception problems in the outer portions of its service area.

WTVF previously has submitted to the Commission an engineering analysis demonstrating that operation of the proposed replacement digital translator on Channel 50 with an ERP of 100 kW will not result in prohibited interference to any station and will not extend WTVF's pre-transition analog service area in any direction.[6] The engineering analysis is hereby incorporated by reference. In addition, WTVF intends to operate the proposed 100 kW facility in compliance with the engineering and technical requirements (*e.g.*, spurious emissions) applicable to high-power television stations to ensure interference protection to existing services. As part of WTVF's course of research and experimentation with the proposed facility, the station will conduct field tests and measurements at various power levels above 15 kW up to 100 kW to demonstrate the effectiveness of the operation in restoring service to viewers in WTVF's central loss area. The results of such tests will be submitted to the Commission.

Under these circumstances, good cause exists to authorize the operation of a 100 kW replacement digital translator so that WTVF may promptly restore service to viewers within a 15-mile radius of the station's transmitter site. In light of the extraordinary and unusual problems that WTVF's viewers have encountered receiving VHF Channel 5, and the fact that the proposed 100 kW Channel 50 replacement digital translator will not cause interference to any other station and will not extend WTVF's pre-transition analog service area in any direction, the public interest will be served as a direct result of the improved service that WTVF will be able to provide with the proposed replacement digital translator facility.

Please contact the undersigned with questions concerning this matter.

Respectfully submitted,

Christopher G. Tygh
Counsel to NewsChannel 5 Network, LLC

cc: Barbara Kreisman (via e-mail)
Clay Pendarvis (via e-mail)
Hossein Hashemzadeh (via e-mail)
Kevin Harding (via e-mail)

[6] The engineering analysis has been submitted as an exhibit to WTVF's modification application for its construction permit to operate the replacement digital translator with an ERP of 100 kW.